7 pgs.

MT LEGISLATIVE HISTORY

Chapter 236 1989

Bill H _____ S 79 Original bill & hist. ✓ C

H. Committee on Judiciary

Hearing Date(s) _____ ___C

3/9 ✓C

_____ ___C

_____ ___C

Date Out 3/9 ✓C

S. Committee on Judiciary

Hearing Date(s) _____ ___C

1/10 ✓C

_____ ___C

_____ ___C

1/10 ✓C

Did this bill originate in an interim committee? ___Yes ✓No

Committee _____ Report _____

2/21	REFERRED TO APPROPRIATIONS		
3/13	HEARING		
3/14	COMMITTEE REPORT--BILL CONCURRED		
3/15	2ND READING CONCURRED	55	30
3/16	3RD READING CONCURRED	71	25
	RETURNED TO SENATE		
3/22	SIGNED BY PRESIDENT		
3/22	SIGNED BY SPEAKER		
3/23	TRANSMITTED TO GOVERNOR		
3/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 351 EFFECTIVE DATE: 7/01/89		

SB 79 INTRODUCED BY MAZUREK
ALLOW TRADE AND PROFESSIONAL ASSOCIATION MEMBERS' ARBITRATION

1/06	INTRODUCED		
1/06	REFERRED TO JUDICIARY		
1/10	HEARING		
1/10	COMMITTEE REPORT--BILL PASSED		
1/12	2ND READING PASSED	43	1
1/14	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO JUDICIARY		
3/09	HEARING		
3/10	COMMITTEE REPORT--BILL CONCURRED		
3/11	2ND READING CONCURRED	85	2
3/13	3RD READING CONCURRED	94	2
	RETURNED TO SENATE		
3/16	SIGNED BY PRESIDENT		
3/16	SIGNED BY SPEAKER		
3/17	TRANSMITTED TO GOVERNOR		
3/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 236 EFFECTIVE DATE: 10/01/89		

SB 80 INTRODUCED BY HIMSL, ET AL.
ELIMINATE OTHER STATE SPECIAL REVENUE FUND CATEGORY IN STATE FUND STRUCTURE
BY REQUEST OF LEGISLATIVE FINANCE COMMITTEE

1/06	INTRODUCED		
1/06	REFERRED TO FINANCE & CLAIMS		
1/25	HEARING		
2/06	COMMITTEE REPORT--BILL PASSED		
2/08	2ND READING PASSED	49	0
2/10	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO APPROPRIATIONS		
3/13	HEARING		
3/14	COMMITTEE REPORT--BILL CONCURRED		
3/15	2ND READING CONCURRED	76	12
3/16	3RD READING CONCURRED	89	6
	RETURNED TO SENATE		
3/22	SIGNED BY PRESIDENT		
3/22	SIGNED BY SPEAKER		

Senate BILL NO. 79

INTRODUCED BY [signature]

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MEMBERS OF A TRADE OR PROFESSIONAL ORGANIZATION TO AGREE TO SUBMIT FUTURE CONTROVERSIES BETWEEN MEMBERS TO ARBITRATION; AND AMENDING SECTION 27-5-114, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-5-114, MCA, is amended to read:

"**27-5-114. Validity of arbitration agreement -- exceptions.** (1) A written agreement to submit an existing controversy to arbitration is valid and enforceable except upon such grounds as exist at law or in equity for the revocation of a contract.

(2) A written agreement to submit to arbitration any controversy arising between the parties after the ~~contract~~ agreement is made is valid and enforceable except upon such grounds as exist at law or in equity for the revocation of a contract. ~~This~~ Except as permitted under subsection (3), this subsection does not apply to:

(a) claims arising out of personal injury, whether based on contract or tort;

(b) any agreement concerning or relating to insurance policies or annuity contracts except for those contracts between insurance companies;

(c) any contract by an individual for the acquisition of real or personal property, services, or money or credit where the total consideration to be paid or furnished by the individual is $35,000 or less; and

(d) claims for workers' compensation.

(3) A written agreement between members of a trade or professional organization to submit to arbitration any controversies arising between members of the trade or professional organization after the agreement is made is valid and enforceable except upon such grounds as exist at law or in equity for the revocation of a contract.

(~~3~~)(4) Notice that a contract is subject to arbitration pursuant to this chapter shall be typed in underlined capital letters on the first page of the contract; and unless such notice is displayed thereon, the contract may not be subject to arbitration."

-End-

INTRODUCED BILL
SB 79

SENATE BILL NO. 79

INTRODUCED BY MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MEMBERS OF A TRADE OR PROFESSIONAL ORGANIZATION TO AGREE TO SUBMIT FUTURE CONTROVERSIES BETWEEN MEMBERS TO ARBITRATION; AND AMENDING SECTION 27-5-114, MCA."

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(~~3~~)(4) Notice that a contract is subject to arbitration pursuant to this chapter shall be typed in underlined capital letters on the first page of the contract; and unless such notice is displayed thereon, the contract may not be subject to arbitration."

-End-

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on January 10, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

Members Present: Chairman Bruce Crippen, V. Chairman Al Bishop, Senators Mike Halligan, Bob Brown, Joe Mazurek, Loren Jenkins, R. J. "Dick" Pinsoneault, John Harp and Bill Yellowtail.

Members Excused: Tom Beck.

Members Absent: None.

Staff Present: Valencia Lane, Staff Attorney and Rosemary Jacoby, Committee Secretary

Announcements/Discussion: None.

HEARING ON SENATE BILL 79

Presentation and Opening Statement by Sponsor: Senator Mazurek of Helena, representing District #36, opened the hearing on Senate Bill 79 stating that it would allow members of a trade or professional organization to agree to submit future controversies between members to arbitration. He said it would put in place a new mechanism for arbitrating disputes. Subject matter for arbitration would have been pre-agreed upon. He reviewed the bill. One part of the bill that renters might be concerned with was (c) on page 2, line 2. He said that some kinds of problems definitely could not be submitted for arbitration. He distributed Exhibits 1 and 2 to committee members. Exhibit 1 is an application for membership form to be sent to a board of realtors. The other (Ex. 2) was a pamphlet entitled Professionalism in Real Estate Practice. Sometimes disputes arise over commissions. He thought architects might also wish to use this tool, though he had not been contacted by them. He said there were proponents and reserved the right to close.

List of Testifying Proponents and What Group they Represent:

Tom Hopgood, Montana Association of Realtors
Michael Sherwood, Montana Trial Lawyers Association

List of Testifying Opponents and What Group They Represent:

There were none.

Testimony:

Tom Hopgood said the bill would not force arbitration upon any trade group or association, but would be a voluntary tool at their disposal. It would not affect persons not in an association, or the seller. If two renters were having a dispute about splitting the rent, they would still be free to go to court if they didn't wish to arbitrate. Persons who are not as experienced would not be signing away their rights to go to court even if they arbitrate, he said.

Michael Sherwood said he didn't feel the bill would pre-empt the federal law. He supported the bill because he has worked on commission arbitration and it worked very well. He felt it could be an excellent tool.

Questions From Committee Members: Senator Halligan asked if this dealt specifically with written agreements. Senator Mazurek said he felt the written agreement requirement ought to stay in the bill.

Senator Crippen asked for the reason for the $35,000 level in the bill. He commented he didn't think it was necessary. Mike Sherwood said that the people who might be using this probably wouldn't be sophisticated and might not read all the fine print. The $35,000 was to protect the average consumer.

Closing by Sponsor: Senator Mazurek closed the hearing.

DISPOSITION OF SENATE BILL 79

Discussion: There was none.

Amendments and Votes: There were none.

Recommendation and Vote: Senator Brown MOVED that SENATE BILL 79 DO PASS. The MOTION CARRIED UNANIMOUSLY.

DISPOSITION OF SENATE BILL 22

ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 1-10-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK			✓
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

January 10, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 79 (first reading copy -- white), respectfully report that SB 79 do pass.

DO PASS

Signed: _____
Bruce D. Crippen, Chairman

1/10
1/10/1

SENATE JUDICIARY
EXHIBIT NO. 1
DATE 1-10-89
BILL NO. SB 79

REALTOR®

APPLICATION FOR MEMBERSHIP*

To: _____
(A Board of REALTORS®)

I, _____ hereby apply for
(Name of Applicant)
(REALTOR®, REALTOR-ASSOCIATE®, Nonresident Membership) in the above named Board, and enclose my check in the amount of $ _____ (Circle One), which I understand will be returned to me in the event I am not accepted to membership. In the event my application is approved, I agree as a condition to membership to complete the indoctrination course of the above named Board, if any, and otherwise on my own initiative to thoroughly familiarize myself with the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, including the duty to arbitrate business disputes in accordance with the Code of Ethics and Arbitration Manual of the Board and the Constitutions, Bylaws, and Rules and Regulations of the above named Board, the State Association and the National Association, and I further agree to complete satisfactorily a reasonable and nondiscriminatory written examination covering such Code, Constitutions, Bylaws, Rules and Regulations, and duty to arbitrate. I further agree that my act of paying dues shall evidence my initial and continuing commitment to abide by the aforementioned Code of Ethics, Constitutions, Bylaws, Rules and Regulations, and duty to arbitrate, all as from time to time amended. Finally, I consent that and authorize the Board, through its Membership Committee or otherwise to invite and receive information and comment about me from any Member or other person, and I agree that any information and comment furnished to the Board by any Member or other person in response to any such invitation shall be conclusively deemed to be privileged and not form the basis of any action by me for slander, libel, or defamation of character.

NOTE: Applicant acknowledges that if accepted as a Member and he/she subsequently resigns or is expelled from membership in the Board with an ethics complaint or arbitration request pending, the Board of Directors may condition renewal of membership upon applicant's verification that he/she will submit to the pending ethics or arbitration proceeding and will abide by the decision of the Hearing Panel; or if applicant resigns or is expelled from membership without having complied with an award in arbitration, the Board of Directors may condition renewal of membership upon his/her payment of the award, plus any costs that have previously been established as due and payable in relation thereto, provided that the award and such costs have not, in the interim, been otherwise satisfied.

I hereby submit the following information for your consideration:

☐ Ms.
☐ Miss
☐ Mrs.
☐ Mr.

Name as shown on license _____
(Please Print)

License No. _____ ☐ (Broker) ☐ (Salesman)

Office in Business Zone? ☐ Yes ☐ No

Office Address _____
(Street) (Suite or Other)

_____
(City) (State) (Zip Code) (Area Code) (Phone)

Does your office comply with zoning requirements for its location? ☐ Yes ☐ No

Residence Address _____
(Street) (Apartment)

_____
(City) (State) (Zip Code) (Area Code) (Phone)

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NATIONAL ASSOCIATION OF REALTORS®
*Amended by Board of Directors-April, 1985

C

REALTOR®

EQUAL HOUSING OPPORTUNITY

PROFESSIONALISM IN REAL ESTATE PRACTICE

(A Ready Reference to the Code of Ethics and Standards of Practice of the NATIONAL ASSOCIATION OF REALTORS®)

Second Edition - 1988

This publication is based upon the Code of Ethics, Standards of Practice and case interpretations in effect following the 1988 Mid-Year Meeting.

As an agent, the best interests of your client must always come before any contemplated interest you may have in the property. (Refer to Case Interpretation #13-7)

Article 14

"In the event of a controversy between REALTORS® associated with different firms, arising out of their relationship as REALTORS®, the REALTORS® shall submit the dispute to arbitration in accordance with the regulations of their Board or Boards rather than litigate the matter."

Generally, arbitration is used to settle disputes between principal brokers of two different real estate firms concerning entitlement to a commission or to subagency compensation. Entitlement is determined on the basis of determining the "procuring cause." In most instances, the decision awards the disputed amount to one party or the other. In certain cases, and if not precluded by state law, the disputed amount may be divided between the parties if the arbitrators determine that both parties contributed, without interruption, to the successful transaction.

The *Code of Ethics and Arbitration Manual* advises Boards and State Associations to determine whether (1) state law authorizes prior agreements to arbitrate future disputes; or (2) if the law does not recognize and enforce prior agreements to arbitrate, but only recognizes agreements to arbitrate made after a dispute arises; or (3) if state law does not recognize binding arbitration at all. In the latter case, Boards can only offer arbitration and cannot require REALTORS® and REALTOR-ASSOCIATE®s to participate in it.

The *Code of Ethics and Arbitration Manual* also specifies three circumstances under which REALTORS® must submit to arbitration.

(1) Arbitration of a controversy between REALTOR® or nonresident principals of different firms;

(2) Arbitration between REALTORS® or nonresident members (other than principals) or REALTOR-ASSOCIATE®s in different firms, provided the REALTOR® or nonresident principals join in the arbitration;

(3) Arbitration between REALTORS® or nonresident members and their clients when the client invokes the arbitration and agrees to be bound by the decision.

SENATE JUDICIARY
EXHIBIT NO. 2
DATE 1-10-89
BILL NO. SB 349

The Manual also specifies three circumstances under which the REALTOR®'s participation in arbitration is voluntary:

(1) Arbitration between REALTORS® or REALTOR-ASSOCIATE®s and Nonresident Members affiliated with the same firm, provided each party voluntarily agrees to the arbitration in writing. This applies to disputes arising when the parties are or were, affiliated with the same firm, irrespective of the time the request is made for such arbitration.

(2) Arbitration between a REALTOR® or a nonresident member who is a principal broker with a nonmember broker, provided each party agrees in writing to be bound by the decision. However, it is the Member's choice whether he will submit to arbitration with a nonmember broker. A nonmember broker is not entitled to invoke the arbitration facilities of a Board of REALTORS®.

(3) Arbitration between a REALTOR® or a nonresident member and his customer if a written contractual relationship has been created by the REALTOR® or a nonresident member between a customer and a client, and provided each party agrees in writing to arbitrate the dispute.

For more detailed information on arbitration procedures, refer to the *Code of Ethics and Arbitration Manual,* the *Interpretations of the Code of Ethics,* and the *Professional Standards Training Manual.*

Remember that Article 14 requires REALTORS® to arbitrate their disputes. If you file suit against a REALTOR® when a properly arbitrable matter exists and refuse to withdraw the suit and participate in arbitration when requested, you may be subject to disciplinary action. (Refer to Standard of Practice 14-1 and Case Interpretation #14-2)

Article 14 requires a REALTOR® to arbitrate disputes with clients, if the client requests the arbitration and agrees to be bound by the decision. (Refer to Standard of Practice 14-2)

Parties to an otherwise arbitrable matter may agree not to use the Board's arbitration facility without becoming subject to a charge of violating Article 14 provided they advise the Board in writing of their decision. (Refer to Standard of Practice #14-3)

Case Interpretation #14-1: Deleted–May, 1988.

Case Interpretation #14-3: Deleted–May, 1988.

Case Interpretation #14-4: Deleted–May, 1988.

SENATE JUDICIARY
EXHIBIT NO. 3
DATE 1/10/89
BILL NO. ~~HB 88~~ SB 79

NAME: Michael Sherwood DATE:

ADDRESS: 401 N. Washington, Msla, MT

PHONE: 721-2729

REPRESENTING WHOM? MTLA

APPEARING ON WHICH PROPOSAL: 79

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: I) Arbitration in such instances is highly desirable if the parties so consent:

1) It avoids undue judicial delay;

2) It arises between parties knowledgeable in their trade or profession;

3) It subjects the dispute to review by someone probably more knowledgeable than a district court judge in the specific custom and usage in the profession or trade.

II Arbitration permitted by this section of law seems to be working well in the commercial and professional fields among sophisticated parties.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

COMMITTEE ON Judiciary

DATE Jan. 10, 1989

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
WALLY JEWELL	MT. MAGISTRATES ASSOC	[illegible]	✓	
Tom Hopgood	Mont. Assoc. Realtors	SB 79	✓	
SHARON CLEARY	"	"	✓	
Michael Sherwood	MTLA	79	✓	

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
March 9, 1979

The regular meeting of the Judiciary Committee was called to order by Chairman John Scully in room 436 of the Capitol Building at 8:00 a.m. on Friday, March 9th. All members were present except the following, who came in later, Representatives Teague, Holmes, Rosenthal, Eudaily, Daily and Representative Seifert was excused.

Scheduled for hearing were Senate Bills 348, 482 and 519. SJR 12 will be heard in the Highway Auditorium at 9:00 a.m. and the committee will then return to the Judiciary Room for hearing of two more bills, House Bill 899 and House Joint Resolution 52.

SENATE BILL NO. 519: Senator Towe. This bill would regulate electioneering on election day and provide for penalties. This was introduced as a committee bill. What it does is that two years ago in the recode bill in the Senate, on election it inadvertently repealed two sections of the law. I was amazed that we had repealed those laws and didn't realize what had happened. We have changed this to make it much narrower than the old law. He read through parts of the bill and explained. The significant part here in addition to the misdemeanor section, a successful candidate who i adjudicated guilty of violating this section may be removed from offic This was used in Harper vs Lombardy. I don't think it was intended to be taken out, the change was in a recode bill.

MIKE MELOY: In opposition to section 2, contrary to what Senator Towe says it is patently unconstitutional. There was a case in 1948 and then there was a later case in which the Supreme Court said that you cannot stop a person from making a statement before he makes it. The law may provide a remedy and that is the doctrine of prior restraint. For that reason we would oppose the bill as it presently reads with section 2.

SENATOR TOWE: No one raised any constitutional question that the New York Times vs Sullivan would not apply.

REPRESENTATIVE KEMMIS: Talking to Mr. Meloy, I wonder if you can explain, how any criminal liability can be not of prior restraint. Discussion followed.

MR. MELOY: A political libel statute would be a more specific statement of that. Then followed discussion about the constitutionality. Several comments were made about the responsibility of the news media. Mr. Meloy said that the restraint would still be the same.

Additionally, Rep. Mercer felt 60 grams was too high--maybe put it at 5 or 10 grams. Rep. McDonough explained that figure was used because 60 grams was the felony break-off, less than that would be a misdemeanor. She expressed concern in taking someone's car for a misdemeanor offense. Rep. Eudaily asked if this bill was aimed at the supplier, dealer, distributor, or user. He was concerned that lowering the amount too much would affect the user more than the supplier. Rep. Mercer indicated the bill was going after both users and possessors.

Recommendation and Vote: Rep. Mercer moved SB 377 DO PASS AS AMENDED, motion seconded by Rep. Eudaily. Motion was voted upon and CARRIED unanimously.

HEARING ON SENATE BILL 79

Presentation and Opening Statement by Sponsor: Sen. Joe Mazurek, Senate District 23, stated SB 79 was introduced at the request of the Montana Association of Realtors (not the Board of Realty Regulation). Prior to 1975, persons could not agree in advance to arbitrate future disputes. In 1985, Montana adopted the Uniform Arbitration Act which updated the procedures for conducting arbitration and authorized people to submit future disputes to arbitration. At the time that bill was adopted, the legislature imposed exceptions on that ability to arbitrate a future dispute, Section 27-5-114, MCA. This bill addresses those exceptions in a very narrow context. This bill would allow disputes between members of the association only to be arbitrated. This will not affect any dispute between the buyer and seller of a home. Sen. Mazurek suspects the most frequent circumstance under which the need for this may arise will be when a dispute arises as to how the proceeds of a commission ought to be split--it does not involve the buyer or seller, but rather the two real estate agencies or realtors under the matter. The bill provides they would be required first to submit the matter to arbitration if both realtors were members of their professional association. It could not be used if they were not both members of the trade or professional association.

Testifying Proponents and Who They Represent:

Tom Hopgood, Montana Association of Realtors

Proponent Testimony:

Tom Hopgood, representing the Montana Association of Realtors, rose in support of SB 79. He noted the Realtors are a voluntary association. When you join the association, you enter into an agreement which states you agree to submit disputes between yourself and another realtor to arbitration rather than take it to court.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions from the Committee: Rep. Hannah asked whether Mr. Hopgood was saying the agreement which realtors currently enter into requiring they submit matters to arbitration was not binding. Mr. Hopgood indicated the way the law is currently written, if the consideration paid for certain services is less than $30,000, then that contract is invalid and unenforceable. Unfortunately, most real estate commissions are less than $30,000, so that would be the case.

Closing by Sponsor: Sen. Mazurek closed.

DISPOSITION OF SENATE BILL 79

Motion: Rep. Darko moved SB 79 BE CONCURRED IN, motion seconded by Rep. Knapp.

Discussion: Following a question concerning the intent of the bill, Rep. Addy responded this bill authorizes the use of arbitration with amounts of money under $35,000. This bill will allow them to compel arbitration. It allows a different dispute resolution than going to court.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: The motion SB 79 BE CONCURRED IN CARRIED with a unanimous vote.

DAILY ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date MARCH 9, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN			X

CS-30

STANDING COMMITTEE REPORT

March 9, 1989

Mr. Speaker: We, the committee on Judiciary report that SENATE BILL 79 (third reading copy -- blue) be concurred in.

Signed: _____
Kelly Addy, Vice-Chairman

[REP. _____ WILL CARRY THIS BILL ON THE HOUSE FLOOR]

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. SENATE BILL 79 DATE MARCH 9, 1989

SPONSOR SEN. MAZUREK

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
Tom Hopgood	Mont. Assoc. Realtors	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SENATE BILL NO. 79

INTRODUCED BY MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MEMBERS OF A TRADE OR PROFESSIONAL ORGANIZATION TO AGREE TO SUBMIT FUTURE CONTROVERSIES BETWEEN MEMBERS TO ARBITRATION; AND AMENDING SECTION 27-5-114, MCA."

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-End-